

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:05-cr-00004

RICHARD WALKER, JR.,

Defendant.

MEMORANDUM OPINION AND ORDER

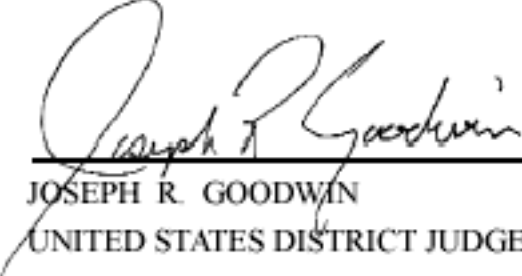
Pending before the court is the “Motion of the United States to Compel Discovery of Defendant’s Expert Witnesses (and related material) as to Issue of Defendant’s Level of Intelligence, Level of Functioning, or Susceptibility to Inducement, ADHD, or Anxiety Disorder” [Docket 46]. For the following reasons, the motion to compel is **GRANTED**.

Rule 16(b)(1)(C) of the Federal Rules of Criminal Procedure provides as follows: “Expert Witnesses. The defendant must, at the government’s request, give to the government a written summary of any testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, if– (i) the defendant requests disclosure under subdivision (a)(1)(G) and the government complies; or (ii) the defendant has given notice under Rule 12.2(b) of an intent to present expert testimony on the defendant’s mental condition. This summary must describe the witness’s opinions, the bases and reasons for those opinions, and the witness’s qualifications.” Rule 16(b)(1)(B) provides for similar disclosure of Reports of Examinations and Tests if the defendant requested materials from the government under Rule

16(a)(1)(F). The defendant elected to use the Standard Discovery Requests in this case as set forth in Rule 1.01 of the Local Rules of Criminal Procedure for the Southern District of West Virginia. The Standard Discovery Requests include a request for all materials under Rule 16(a)(1)(F) and (G). Accordingly, the government's motion [Docket 46] is **GRANTED** and the defendant is **ORDERED** to provide counsel for the government with all information subject to disclosure under Rule 16(b).

The court **DIRECTS** the Clerk to send a copy of this Written Opinion and Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: May 13, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE